

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

MEGAN BROWNING, ALLEN KESSELRING,
TANYA COOPER, JOSEPH ROSE, TERRI
COLE, and JUDY SCATURRO, on behalf of
themselves and all others similarly situated,

Plaintiffs,
vs.
ANHEUSER-BUSCH, LLC,
Defendant.

Case No. 4:20-CV-00889-SRB

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES AND
COSTS AND CLASS REPRESENTATIVE AWARDS**

I. Introduction

Plaintiffs Megan Browning, Allen Kesselring, Tanya Cooper, Joseph Rose, Terri Cole, and Judy Scaturro (collectively, “Plaintiffs”) respectfully submit this Supplemental Brief in Further Support for Final Approval of Class Action Settlement and Attorneys’ Fees and Costs and Class Representative Awards. This Court, in its Amended Order Granting Plaintiffs’ Motion for Preliminary Approval of Settlement, set November 11, 2022 as the Objection/Exclusion Deadline. (ECF No. 66). As of the date of this filing, there have been no objections filed on the Court’s docket. Thus, it is reasonable to conclude that there will be no objections received. As such, the reaction to the Settlement by the settlement class members has been overwhelmingly positive. The lack of any objections further demonstrates that the Settlement is fair, reasonable, and adequate.

II. The Lack of A Single Objection Supports Final Approval

The lack of any objections demonstrates that the Settlement is fair, reasonable, and adequate. *Van Horn v. Trickey*, 840 F.2d 604, 607 (8th Cir. 1998) (“The district court must consider a number of factors in determining whether a settlement is fair, reasonable, and adequate” including “the amount of opposition to the settlement.”), *Keil v. Lopez*, 862 F.3d 685 (8th Cir. 2017) (Finding that only fourteen objections to the settlement favored final approval of the settlement), *Holt v. Communityamerica Credit Union*, No. 4:19-CV-00629-FJG, 2020 WL 12604384, at *3 (W.D. Mo. Dec. 8, 2020) (“[T]he Court finds that the final *Van Horn* factor to be considered, namely ‘the amount of opposition to the settlement,’ also supports final approval” because “no Class Member has objected to or even opted out of the Settlement.”), *Yarrington v. Solvay Pharm., Inc.*, No. 09-CV-2261 (RHK/RLE), 2010 WL 11453553, at *10 (D. Minn. Mar. 16, 2010) (“The Court finds that the lack of objections and requests to opt out reflect a positive response to the Settlement . . .

and support its approval”), *In re Resideo Techs., Inc., Sec. Litig.*, No. 19-cv-2863 (WMW/BRT), 2022 WL 872909, at *7 (D. Minn. Mar. 24, 2022) (same). As such, the lack of any objections further demonstrates the fairness, reasonableness, and adequacy of the Settlement.

Plaintiffs will further provide the Court, prior to any final approval hearing, with supplemental briefing as to the claims process as it is still on-going until December 16, 2022. *See* ECF No. 66.

III. Conclusion

Plaintiffs respectfully request that this Court grant their Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees and Costs and Class Representative Awards.

Dated: November 23, 2022

Respectfully Submitted,

/s/ Tim E. Dollar

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